

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

WAPP TECH LIMITED PARTNERSHIP
and WAPP TECH CORP.,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION,

Defendant.

Case No. 4:18-cv-00519-ALM

JURY TRIAL DEMANDED

**DEFENDANT'S UNOPPOSED MOTION FOR LEAVE
TO SUPPLEMENT INVALIDITY CONTENTIONS**

Pursuant to P.R. 3-6(b), Defendant Bank of America Corporation (“Defendant”) respectfully moves the Court for leave to supplement its invalidity contentions to add two grounds for indefiniteness. Plaintiffs Wapp Tech Limited Partnership and Wapp Tech Corp. (“Plaintiffs”) do not oppose this motion.

As required by the Court’s Scheduling Order (Dkt. #29), Defendant timely served its invalidity contentions on December 20, 2019. Defendant included several grounds for indefiniteness in its invalidity contentions pursuant to P.R. 3-3(d), but failed to include the following two grounds for indefiniteness: (1) the term “the software” in certain asserted claims is indefinite for lack of antecedent basis, and (2) the term “the test” in one asserted claim is indefinite for lack of antecedent basis (together, the “Additional Indefiniteness Grounds”). Defendant disclosed the Additional Indefiniteness Grounds to Plaintiffs in its P.R. 4-1 disclosures served January 6, 2020.

Defendant now seeks leave to add the Additional Indefiniteness Grounds to its invalidity contentions for good cause. Less than three weeks have passed since Defendant served its contentions, so Plaintiffs have not been prejudiced. Additionally, the supplementation is important to Defendant’s invalidity case, as it is directed to the indefiniteness of certain claim terms. No changes to the case schedule would be needed as a result of the supplementation. As such, Defendant respectfully requests that the Court grant Defendant’s unopposed motion for leave to supplement.

Dated: January 9, 2020

By: /s/ Mark N. Reiter

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CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2020, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to CM/ECF participants in this case.

/s/ Mark N. Reiter

Mark N. Reiter

CERTIFICATE OF CONFERENCE

I hereby certify that Plaintiffs stated on January 8, 2020 that Plaintiffs would not oppose this motion.

/s/ Mark N. Reiter

Mark N. Reiter